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Human rights questions: implementation of human rights instruments

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Note by the Secretary-General

The Secretary-General has the honour to submit to the General Assembly the report of the chairpersons of the human rights treaty bodies on their seventeenth meeting, held at Geneva on 23 and 24 June 2005, pursuant to General Assembly resolution 57/202 of 18 December 2002.

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Report of the chairpersons of the human rights treaty bodies on their seventeenth meeting

Summary

The General Assembly, in its resolution 57/202, requested the Secretary-General to submit to the General Assembly the reports of the persons chairing the human rights treaty bodies on their periodic meetings. The present document contains the report of the seventeenth meeting of chairpersons of human rights treaty bodies.

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I. Introduction

1. The seventeenth meeting of chairpersons of the human rights treaty bodies, convened pursuant to General Assembly resolution 49/178, was held at the Office of the High Commissioner for Human Rights (OHCHR) in Geneva on 23 and 24 June 2005. The meeting was immediately preceded by the fourth inter-committee meeting, held from 20 to 22 June 2005.

II. Organization of the meeting

2. The following chairpersons of human rights treaty bodies attended: Virginia Bonoan-Dandan, Chairperson of the Committee on Economic, Social and Cultural Rights (CESCR); Christine Chanet, Chairperson of the Human Rights Committee (HRC); Jakob E. Doek, Chairperson of the Committee on the Rights of the Child (CRC); Prasad Kariyawasam, Chairperson of the Committee on the Protection of the Rights of Migrant Workers and Members of their Families (CMW); Fernando Mariño Menéndez, Chairperson of the Committee against Torture (CAT); Rosario Manalo, Chairperson of the Committee on the Elimination of Discrimination against Women (CEDAW); and Mario Jorge Yutzis, Chairperson of the Committee on the Elimination of Racial Discrimination (CERD).

3. Mr. Mariño Menéndez was affirmed as Chairperson-Rapporteur of the meeting, and Mr. Doek was affirmed as Vice-Chairperson, in accordance with the convention that the Chairperson of the inter-committee meeting acts as Chairperson of the meeting of chairpersons. The chairpersons adopted the provisional agenda (HRI/MC/2005/1 and Corr.1) and the proposed programme of work.

III. Cooperation with the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights

4. On 24 June 2005, the chairpersons met with the Expanded Bureau of the sixty-first session of the Commission on Human Rights and with the representative of the Chairperson of the fifty-sixth session of the Sub-Commission on the Promotion and Protection of Human Rights, Paulo Sérgio Pinheiro. Ambassador Makarim Wibisono, Chairperson of the sixty-first session of the Commission, introduced the members of the Expanded Bureau attending the meeting (Ambassador Mohamed Saleck Ould Mohamed Lemine, Ambassador Volodymyr Vassylenko, Deirdre Kent, Ambassador Hyuck Choi, Ambassador Zohrab Mnatsakanian, Ambassador Luis Alfonso de Alba). Other members sent representatives.

5. The Chairperson welcomed the opportunity to exchange views with the treaty bodies and stated that monitoring of the implementation of human rights treaties by independent experts provided the Commission and other human rights mechanisms with key inputs, and allowed for the sharing of best practices among States. He noted that the chairpersons had been invited to address the sixty-first session of the Commission under agenda item 18, "Effective functioning of human rights mechanisms", although only one had been able to participate. The main achievements of the session included the informal discussions held specifically to

discuss the proposals for reform of the United Nations human rights framework in the Secretary-General's report, "In larger freedom: towards development, security and human rights for all" (A/59/2005 and Add.1-3). Informal consultations had been held on 20 June 2005 to reflect further on the recommendations relating to human rights contained in the report, with a view to contributing to the deliberations on the proposed reform of the United Nations at the General Assembly.

6. Mr. Pinheiro described the outcome of the fifty-sixth session of the Sub-Commission, drawing attention to the appointment of new special rapporteurs and subjects for investigation. He stressed the importance of continuing the dialogue between the treaty bodies and the Sub-Commission on topics of mutual concern, such as reservations to human rights treaties and universal implementation of international human rights treaties.

7. The chairpersons and the members of the Expanded Bureau exchanged views on ways in which dialogue between the treaty bodies and the Commission could be strengthened. Several chairpersons indicated that they understood the time constraints faced by the Commission, but made suggestions on ways and means of enhancing the dialogue between the chairpersons and the Commission.

8. Reform of the United Nations, and that of the human rights mechanisms, including the treaty bodies, was also discussed, inter alia, the proposals for a unified treaty body system, a peer review system and a global report on human rights. The implications of the reform proposals on different mechanisms, including the Commission, the Sub-Commission, the Commission on the Status of Women and the treaty bodies, were also mentioned.

IV. Seventh joint meeting of chairpersons of human rights treaty bodies and special procedures mandate holders

9. On 23 June, the chairpersons held their seventh joint meeting with the mandate holders of the special procedures of the Commission on Human Rights. The meeting was co-chaired by Philip Alston (Chairperson of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights) and Mr. Mariño Menéndez.

10. The Secretariat provided recent information on the question of human rights and human security. It was noted that, at its sixty-first session, the Commission had established a new special procedure concerning human rights and counter-terrorism which would undertake the traditional functions of special procedures such as country visits, but also bring concerns to the attention of United Nations bodies, including the Security Council, and make regular reports to the General Assembly or the Commission when necessary. The mandate holder would also coordinate with other special procedures on issues relating to counter-terrorism.

11. It was noted that the United Nations system had continued discussing linkages between human security and human rights, most notably within the context of United Nations reform, which highlighted security, development and human rights as the three pillars of the Organization. It was suggested that the discussion within the United Nations on human security and counter-terrorism should be more strongly linked to human rights, particularly in the context of the Counter-Terrorism

Committee. It was also suggested that wider economic and social issues should be taken into account in the discussion.

12. Participants welcomed the initiatives to enhance respect for human rights in counter-terrorism efforts, and stressed that a broad understanding of human security and respect for human rights must form the basis of a successful counter-terrorism strategy. They were concerned that a range of human rights could be violated by certain anti-terrorism measures and several noted that the absence of a definition of terrorism facilitated the use of anti-terrorism measures that violated human rights.

13. The participants discussed initiatives to reform the United Nations human rights framework, including the proposal for a standing unified treaty body, but stressed that the proposal would need in-depth discussion. Several participants underscored that the expertise developed by the treaty bodies must not be lost in any harmonization process. Several raised legal issues that might be relevant with respect to the proposals, and concerns that a unified body might not be able to address the specificities of the treaties, and called for broad consultations on the proposal with members of treaty bodies, special procedures mandate holders, States, non-governmental organizations (NGOs) and others.

14. The chairpersons reported on the progress made in drafting guidelines for an expanded core document, which would facilitate reporting by allowing States parties to report on the implementation of human rights norms that are common to the various treaties in one document. They highlighted the challenge of streamlining the reporting process without neglecting the specificities of each treaty.

V. Informal consultations with States parties

15. The chairpersons held informal consultations with States on 23 June. Seventy-eight States participated in this meeting. States welcomed the opportunity to engage in consultations with the chairpersons and reiterated their support for the work of the treaty bodies.

16. States supported the efforts under way to streamline the various reporting requirements of the treaty bodies. Many States considered the draft harmonized guidelines proposed in document HRI/MC/2005/3 to be an excellent contribution to reinforcing the monitoring mechanisms, and all agreed that any changes in the reporting requirements should not increase the burden on them. Several States objected to specific aspects of the proposals insofar as they might oblige States to report on matters not directly required in accordance with the provisions of the treaties, whereas others welcomed the suggestion that States should decide how to organize the information presented in their reports using the proposed common core document and treaty-specific documents. The request for extensive, disaggregated statistical data was a matter of concern to one State. Some States agreed that the preparation of an expanded core document would encourage a consistent and holistic approach to the implementation of human rights by States parties and urged the treaty bodies to use the core document to improve coordination. Many States spoke of the need to shorten the amount of time between the submission of reports and their consideration by the committees. The timetable for submission of reports was mentioned by many.

17. Three States took the opportunity to inform the chairpersons that they had begun to prepare their reports in accordance with the draft harmonized guidelines and expected to finalize their common core documents and certain treaty-specific documents in the coming year. In that context, the improved possibilities for the inclusion in reports of information gathered within a federal structure and for clearer comparison between reporting States by the treaty bodies, as well as the particular advantages of a coordinated approach to reporting for developing countries were highlighted. The need for technical assistance to support developing States meeting their reporting obligations was also mentioned by some States, which suggested that more funds should be made available to OHCHR for that purpose.

18. The Secretary-General's proposals for reform within the United Nations system, in particular the proposed creation of a Human Rights Council, were mentioned by most States, and many had questions about the relationship between the proposed peer review system and Council and the work of the treaty bodies, which should be distinct, but complementary, mechanisms. Most States welcomed the High Commissioner's Plan of Action (A/59/2005/Add.3), and many considered the proposal to explore modalities for a single standing treaty body was positive, even if the legal and political difficulties were considerable. An inclusive process of consultation, which took account of the views of treaty body members, was essential in preparing for the intergovernmental conference in 2006 which the High Commissioner had proposed.

19. One State spoke in favour of transferring responsibility for servicing the Committee on the Elimination of Discrimination against Women from New York to OHCHR in Geneva so that it could be fully integrated with the other treaty bodies, as proposed by the High Commissioner in her Plan of Action.

20. States supported further harmonization and coordination of the working methods of the treaty bodies, which would help to make the system more comprehensible and accessible, and some noted that that gradual process would make it possible to identify the avenues to be explored when the proposal for a permanent unified treaty body was considered. The reports prepared by the Secretariat on working methods (HRI/MC/2005/4) and implementation of the recommendations of the third inter-committee meeting and sixteenth meeting of chairpersons (HRI/MC/2005/2 and Corr.1), as well as the proposals for harmonization of treaty body terminology, were welcomed. Many States spoke in favour of the lists of issues and questions which all committees now adopted, and which States found helpful in preparing for the examination of their reports. Further measures to encourage effective implementation of treaty body recommendations were urged, and the need for more effective technical cooperation programmes benefiting from the presence of United Nations country teams, in the light of the High Commissioner's Plan of Action was highlighted. More effective use of United Nations special procedures was also suggested and the need for transparency in the way information submitted by NGOs was received and used by treaty bodies stressed.

VI. Cooperation with the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights

21. On 24 June 2005, the chairpersons met with Vitit Muntarbhorn, member of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights. He explained that the Fund provided advice on both programming and implementation of the activities of OHCHR, and that the assistance could be used to implement substantive obligations at the national level. He referred to the recommendations of the 2003 global review of the OHCHR technical cooperation programme,[1] which suggested better coordination of the work carried out by OHCHR (i.e. technical cooperation, treaty bodies and special procedures). It was important to consider the issue of technical cooperation in the context of the United Nations reform proposals, including the High Commissioner's Plan of Action. The proposal for further country engagement and country strategies was linked to issues such as capacity-building and technical cooperation.

22. Suggestions in treaty bodies' concluding observations sometimes called for States to seek technical assistance when implementing their treaty obligations, and it was emphasized that the impact of such recommendati should be assessed, including whether treaty body recommendations on tecn.ical assistance were actually followed by a request for such assistance.

23. Mr. Muntarbhorn and the chairpersons underlined the importance of creating opportunities for treaty body members to interact with United Nations field presences, as that would assist treaty bodies to formulate targeted and country-specific recommendations in a way that was understood by donors and would allow field presences to encourage their implementation. Mr. Muntarbhorn suggested the organization of a seminar on concluding observations to discuss the format and substance of concluding observations and their implementation at the national level, and that representatives of field presences be invited to attend.

24. Mr. Muntarbhorn noted that the Fund primarily provided assistance to Governments, but its scope could be broadened to include civil society. The chairpersons highlighted the need for monitoring at the national level and the need for technical assistance for States with respect to the collection of disaggregated data. In order to enhance cooperation and dynamic dialogue, special procedures mandate holders could attend treaty body sessions, and treaty body members could observe sessions of other treaty bodies. The chairpersons encouraged the Board of Trustees of the Voluntary Fund to continue discussions on ways to deepen their cooperation.

VII. Decisions and recommendations

25. The seventeenth meeting of chairpersons of the human rights treaty bodies adopted the following decisions and recommendations.

[1] "From development of human rights to managing human rights development: global review of the OHCHR technical cooperation programme", September 2003, available at http://www.ohchr.org/english/countries/coop/

Adoption of the points of agreement of the inter-committee meeting

a. **The seventeenth meeting of chairpersons endorsed the points of agreement concluded at the fourth inter-committee meeting held from 20 to 22 June 2005 (annex, section IX). The chairpersons called upon the human rights treaty bodies to follow up on those recommendations and to report on their implementation at the fifth inter-committee meeting in 2006.**

Suggestions for the agenda of the fifth inter-committee meeting

b. **The chairpersons suggested that United Nations specialized agencies, funds and programmes, and non-governmental organizations be invited to submit their views on the proposals for reform of the treaty body system to the Secretariat, which would compile them in a report for discussion under the appropriate agenda items of the fifth inter-committee meeting.**

Consultation on proposals for reform of the United Nations human rights framework

c. **The seventeenth meeting of chairpersons took note of the Secretary-General's proposals for reform of the United Nations human rights system contained in his report, "In larger freedom", and the proposals contained in the Plan of Action of the United Nations High Commissioner for Human Rights for reform of the treaty body system. The meeting requested the Secretariat to organize, in an appropriate forum, consultations between the treaty bodies, States parties, OHCHR, United Nations entities and other stakeholders to discuss the proposals, including those relating to a unified standing treaty body.**

Interaction with the Commission on Human Rights

d. **The seventeenth meeting of chairpersons reaffirmed its recommendation that the Commission on Human Rights should set aside appropriate time for an interactive dialogue with the chairpersons of the human rights treaty bodies, who may be alternatively represented, where necessary, by their vice-chairpersons, during its annual session. It further recommended that, in addition to time for formal statements by the chairpersons, the interactive dialogue should include sufficient time for the chairpersons to engage in a true dialogue with members of the Commission on matters of common concern.**

Technical cooperation and follow-up to concluding observations

e. **The seventeenth meeting of chairpersons requested the Secretariat to organize a seminar for treaty body members, members of the Board of Trustees of the United Nations Voluntary Fund for technical cooperation, United Nations specialized agencies, funds and programmes and, if possible, representatives of United Nations field presences to discuss the format and substance of concluding observations and their implementation at the national level.**

Cooperation with special procedures

f. **The seventeenth meeting of chairpersons reaffirmed the recommendation of the third inter-committee meeting (see A/59/264, annex) that funds be made available to support the interaction of special procedures mandate holders with treaty bodies, including through attendance at treaty body sessions.**

Statistical information related to human rights

g. **The seventeenth meeting of chairpersons takes note of the work initiated by the Secretariat to provide assistance to the treaty bodies in analysing statistical information relating to human rights presented in the States parties' reports. The chairpersons requested the Secretariat to pursue this work and prepare a background paper for the next inter-committee meeting on the possible uses of indicators.**

Meeting with special procedures mandate holders

h. **The seventeenth meeting of chairpersons suggested that the major theme for discussion at the meeting with special procedures mandate holders should be the proposals of OHCHR for reform of the United Nations human rights system, including the treaty bodies.**

Annex

Report of the fourth inter-committee meeting of human rights treaty bodies

(Geneva, 20-22 June 2005)

I. Introduction

1. The fourth inter-committee meeting of the human rights treaty bodies was held at the Office of the High Commissioner for Human Rights (OHCHR) in Geneva from 20 to 22 June 2005. The meeting was held pursuant to the recommendation of the fifteenth meeting of chairpersons of human rights treaty bodies, which called for the meeting to be convened annually (A/58/350, para. 50).

2. The following members of human rights treaty bodies attended: Human Rights Committee (HRC): Rafael Rivas Posada, Sir Nigel Rodley; Committee on Economic, Social and Cultural Rights (CESCR): Virginia Bonoan-Dandan (Chairperson), Yuri Kolosov, Eibe Riedel; Committee on the Rights of the Child (CRC): Jakob Egbert Doek (Chairperson); Kamel Filali, Nevena Vučković-Šahović; Committee on the Elimination of Discrimination against Women (CEDAW): Rosario Manalo (Chairperson), Meriem Belmihoub-Zerdani, Hanna Beate Schöpp-Schilling; Committee on the Elimination of Racial Discrimination (CERD): Mario Jorge Yutzis (Chairperson), Fatima-Binta Victoire Dah, Morten Kjaerum; Committee against Torture (CAT): Fernando Mariño Menéndez (Chairperson), Felice Gaer, Ole Vedel Rasmussen; Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW): Prasad Kariyawasam (Chairperson), Ana Elisabeth Cubias-Medina, Abdelhamid El Jamri.

II. Opening of the meeting and election of officers

3. The meeting was opened by Prasad Kariyawasam, chairperson of the third inter-committee meeting and sixteenth meeting of chairpersons who welcomed all members, as well as the Special Adviser on Gender Issues and the Advancement of Women and representatives of the Uganda Human Rights Commission and the National Commission for Human Rights of Mexico. Mr. Kariyawasam stressed the mutually reinforcing nature of the treaties and reminded the participants that all treaty bodies were engaged in the same task of monitoring implementation of often widely overlapping instruments, and that unnecessary variation of procedure served to obscure their close links. Reference was made to the Secretary-General's second reform report, "Strengthening the United Nations: an agenda for further change (A/57/387 and Corr.1), which recommended that the treaty bodies craft a more coordinated approach to their activities and standardize their various reporting requirements and suggested that each State be allowed to produce a single report on its adherence to the full range of human rights treaties to which it was a party.

4. Mr. Kariyawasam introduced the report on implementation of the recommendations adopted at the third inter-committee meeting and sixteenth meeting of chairpersons (HRI/MC/2005/2 and Corr.1), and highlighted a number of developments, including the preparation of lists of issues and questions, the

follow-up procedures of several treaty bodies, and the work initiated by OHCHR to analyse and identify the suitability of commonly used indicators in assessing the compliance of States parties with international human rights treaties. He also referred to several workshops on implementation, reporting and follow-up to concluding observations/comments which had taken place.

5. Mr. Mariño Menéndez was elected Chairperson-Rapporteur. Mr. Doek was elected Vice-Chairperson. At the opening meeting, the participants adopted the provisional agenda (HRI/ICM/2005/1 and Corr.1) and programme of work.

III. Strengthening the human rights treaty body system: harmonization of working methods and follow-up to the recommendations of the third inter-committee meeting and sixteenth meeting of chairpersons

6. Representatives of each committee introduced the developments within their respective committees to follow up on the recommendations of the third inter-committee meeting and sixteenth meeting of chairpersons.

7. Members of CESCR referred to a meeting with States parties in May 2005 which discussed the proposed optional protocol to the International Covenant on Economic, Social and Cultural Rights and the Committee's methods of work. The CESCR had recently introduced a formal procedure to follow up on implementation of concluding observations/comments, appointed focal points to liaise with a number of United Nations specialized agencies, and the Committee had held regular meetings with expert groups from the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). National human rights institutions had also made important contributions in the reporting process.

8. CRC members explained that they had considered introducing a procedure to follow up concluding observations but had decided that it was not yet appropriate owing to the Committee's heavy workload and the backlog of States parties' reports awaiting review. A subregional workshop on follow-up to concluding observations of the Committee had been held in Bangkok in November 2004, and similar workshops would be held in Latin America in 2005. The Committee had recently adopted new guidelines for periodic reports, which were significantly shorter and more focused than the earlier guidelines and emphasized the need for follow-up to the Committee's previous recommendations.

9. Developments in CERD included the appointment of a five-member working group to consider situations under its early warning and urgent action procedures. In August 2004, the Committee had appointed a coordinator on requests for further information and implemented a decision by which it would identify priority issues in its concluding observations, on which States would report within one year. A joint workshop on follow-up to the concluding observations/comments of CERD and CEDAW would be convened in Cairo in 2005. At its last session, a national human rights institution had been given the floor in plenary during the consideration of a State party report.

10. Members of HRC informed the meeting that the Committee had concentrated on the recommendations of earlier meetings relating to working methods and reporting guidelines and most of the recommendations of the third inter-committee meeting and sixteenth meeting of chairpersons had already been implemented.

11. Although CAT had not specifically discussed the recommendations of the third inter-committee meeting and the sixteenth meeting of chairpersons, the Committee had implemented most of the recommendations regarding working methods, lists of issues, participation of NGOs and the follow-up procedure. The Committee had also adopted new guidelines on the form and content of initial reports.

12. Since the third inter-committee meeting, CEDAW had discussed, inter alia, the introduction of country task forces and focused concluding observations with a limited number of concerns and recommendations. The Committee regretted the lack of action by the General Assembly at its fifty-ninth session on the Committee's request for extended meeting time, as that would have facilitated the fulfilment of the Committee's responsibilities under the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol. Representatives expressed interest in establishing cooperation with national human rights institutions, indicating that the Committee would take up this issue at its thirty-third session in July 2005.

13. CMW had taken note of the recommendations of the third inter-committee meeting and sixteenth meeting of chairpersons, and emphasized the importance of cooperation with the Commission on Human Rights.

Reservations

14. Participants emphasized the need to have a coordinated approach to reservations to treaties, noting the work being undertaken on this subject by the International Law Commission. The report on the practice of the treaty bodies with respect to reservations (HRI/MC/2005/5) prepared by the Secretariat for the fourth inter-committee meeting was welcomed, and it was suggested that it should be kept up to date and that a working group, made up of one member of each committee, be established to consider this report, prepare a working paper and report to the fifth inter-committee meeting.

Harmonization of terminology

15. In accordance with a recommendation of the third inter-committee meeting, OHCHR had prepared a proposal for harmonization of terminology (HRI/MC/2005/2, annex). It was agreed that this should be discussed by each committee and, taking into account their comments, considered at the fifth inter-committee meeting.

General comments

16. Participants discussed the possibility of issuing joint general comments/recommendations on issues of common concern, and agreed that these would strengthen the role of the general comments.

IV. Strengthening the human rights treaty body system: streamlining reporting requirements

17. Mr. Filali, appointed by the third inter-committee meeting to be rapporteur on the draft harmonized reporting guidelines, reported to the meeting on the discussions in the various treaty bodies concerning the draft guidelines, noting that five committees had provided formal written comments (HRI/MC/2005/6, annex I and HRI/MC/2005/6/Add.1). Mr. Filali considered that there was no significant disagreement between the committees. Among the points of agreement, the committees welcomed the guidelines, which they considered would strengthen the process of drafting reports by States parties, but noted that the changes should not result in incomplete reporting or a loss of the specificities of the respective treaties, particularly with regard to "congruent" rights; that further refinement of the guidelines was necessary and that a working group of members could be established for this purpose; that failure to submit reports on time remained a matter of concern for all committees; that the committees favoured more sustained and regular cooperation; that States parties wishing to use the guidelines should be encouraged to do so, in consultation with OHCHR and the Division for the Advancement of Women; that it was important that States parties set up, on a permanent basis, broadly representative institutional structures to coordinate the drafting and submission of their reports; and that workshops be convened to familiarize States parties with the coordinated reporting methodology. He recommended that a technical working group of members be established to finalize the guidelines in collaboration with the Secretariat; that continuing support be offered to States parties using the draft guidelines in the elaboration of their reports; that a coordinated approach by States parties to their reporting obligations be encouraged, supported by a permanent inclusive institutional framework; that the draft guidelines, once adopted be reviewed and further refined periodically, taking into account the experiences of States parties; and that a mechanism to supervise the general calendar for the presentation of reports to treaty bodies be established.

18. Participants welcomed Mr. Filali's report, several agreeing with the suggestion that a working group be constituted to finalize the guidelines, and the terms of reference of that working group were discussed. To the extent that the draft guidelines provided general guidance to States on reporting under all treaties, they were approved, and participants welcomed the content of the expanded core document relating to general background information and the general framework for the promotion and protection of human rights. Several participants reiterated the serious concerns of their committees with regard to the extent to which congruent provisions could, and should, be included in the expanded core document. In particular, there was concern about the position of CEDAW and CERD as a result of the inclusion of non-discrimination issues in the common core document. Some expressed the view that the inclusion of information on congruent provisions might result in a loss of the specific focus of these committees, although others noted that such an approach could provide possibilities for mainstreaming issues that those committees had elaborated over many years, including temporary special measures. Others added that information on congruent provisions might require constant updating, whereas the idea behind the common core document had been the provision of information on matters that tended to remain broadly stable. They also pointed out that the reporting burden on States could be eased significantly if periodic reports were limited to written responses to lists of issues. The possible role

of a common core document containing congruent provisions in promoting a holistic approach to the implementation of human rights obligations was also noted. It was observed that the idea of including information on the implementation of congruent substantive provisions had been reflected in the proposed common core document at the request of the second inter-committee meeting and fifteenth meeting of chairpersons (see A/58/350, annex). That approach had been endorsed by the third inter-committee meeting and sixteenth meeting of chairpersons, but participants considered that it required serious and careful consideration, as it was important to finalize a document that could be adopted by all committees.

19. Participants noted the uncertainty that had arisen as a result of the proposals for reform of the United Nations system and the proposal of the High Commissioner for Human Rights to consider options for a single treaty body, and noted the implications the proposals could have for the draft reporting guidelines. It was noted that the proposals for the harmonization of reporting requirements had been under consideration at least since September 2002, and the timetable for the finalization and adoption of the draft guidelines was discussed. It was underlined that, although the inter-committee meeting could recommend their adoption, each individual committee would have to adopt them before they became final.

20. Participants agreed that the proposed changes should facilitate reporting by States parties, rather than hinder them. It was agreed that conceptualizing reporting as a "burden" was unhelpful, and that States should be encouraged to view reporting as a positive and constructive process. The experience of those States that had begun to prepare reports on the basis of the draft reporting guidelines was recognized as an important source of information on the feasibility of the common core document. It was also recognized that the guidelines, once adopted, should be reviewed periodically and further improved, based on the practical experiences of States parties preparing reports in accordance with the guidelines, and the evaluation of those reports by treaty bodies. One participant noted that there was very little data on the extent to which States parties actually complied with the existing reporting guidelines of the individual treaty bodies. Most welcomed the suggestion that States parties should adopt a coordinated approach to reporting and be encouraged to establish appropriate coordinating structures to support their reporting under all of the treaties to which they were party, although such structures should not create additional work for States. The importance of technical cooperation to assist States in reporting was recognized, although it was noted this should not extend to the actual writing of reports, which was the responsibility of the States.

21. Mr. Riedel informed the meeting of work being undertaken by OHCHR to assist treaty bodies with regard to statistical information and human rights indicators. An expert meeting on human rights indicators had been held in Turku, Finland, from 10 to 13 March 2005, organized jointly by OHCHR and the Institute for Human Rights of Åbo Akademi University with the support of the Government of Finland. Mr. Riedel expressed the hope that the inter-committee meeting would support this work.

V. Dialogue with specialized agencies, funds and programmes and other entities of the United Nations

22. The inter-committee meeting met with representatives of the following specialized agencies, funds and programmes of the United Nations: The United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO). All highlighted the linkages between human rights and the work of the treaty bodies and their own mandates. The representatives of ILO and UNESCO outlined their efforts to develop synergies in the promotion and implementation of their own standards and international human rights treaties. UNHCR, UNICEF and WHO, noted that the recommendations of treaty bodies were becoming increasingly specific and therefore more useful for their field offices. The general comments and general recommendations of treaty bodies, to which agencies were also providing increasing input, were also considered important tools, both at headquarters and the field, which highlighted the importance of treaty body recommendations for the development of human rights-based approaches to programming.

23. Treaty body members expressed their appreciation for the cooperation with specialized agencies. Several members encouraged all entities to attend treaty body sessions and systematically provide information to the respective committees. The importance of increasing the specificity of the recommendations contained in the concluding observations/comments in order to facilitate implementation and follow-up in the field was recognized and the need for greater substantive input and advice from relevant agencies to enhance such specificity stressed. It was suggested that United Nations entities should develop a list of standard questions on issues relating to their mandates, although some concerns were raised that this might lead to greater uniformity, rather than country specificity, of recommendations. Nevertheless it was agreed that greater interaction between treaty body members and representatives of United Nations agencies would enhance members' substantive expertise on linkages between their respective areas of work. All representatives of United Nations agencies, programmes and funds indicated their willingness to increase interaction with treaty bodies, but stressed their human and financial resource constraints. It was suggested that the chairpersons might meet with heads of United Nations agencies, funds and programmes to discuss modalities for greater cooperation.

VI. Dialogue with Non-Governmental Organizations

24. Representatives of the following NGOs in consultative status with the Economic and Social Council (ECOSOC) were present during the dialogue: Amnesty International, Association for the Prevention of Torture, Bahá'í International Community, Centre on Housing Rights and Evictions, Franciscans International, Friends World Committee for Consultation (Quaker United Nations Office), Human Rights Watch, International Catholic Migration Commission, International Commission of Jurists, International Federation of Human Rights Leagues, International Service for Human Rights, International Women's Rights

Action Watch, Lutheran World Federation, and World Organization against Torture. Other NGOs attending were the Kharkiv Centre for Women Studies, the NGO Group for Convention on the Rights of the Child and 3D→Trade — Human Rights — Equitable Economy.

25. NGOs welcomed the opportunity to discuss matters of common concern and their interaction with human rights treaty bodies and follow-up to treaty body recommendations at the national level. Members of the treaty bodies thanked the NGOs for their valuable contributions to their work and their efforts to promote implementation of human rights treaties at the national level.

26. NGOs underlined the importance of concluding observations/comments as a tool for advocacy and monitoring, and reiterated the need for specific and implementable recommendations. Other issues related to methods of work were also discussed, including non-reporting, early warning and urgent action procedures, lists of issues, and joint general comments and recommendations. Several NGO representatives highlighted certain thematic areas which they considered required further attention by treaty bodies, such as violations relating to sexual orientation and gender identity, and the impact of trade policies on the enjoyment of human rights. Many stressed the need for wider ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

27. A number of NGOs provided comments on the revised guidelines for an expanded core document and treaty-specific targeted reports (HRI/MC/2005/3) and all emphasized the importance of their involvement in the process of reform of the reporting system.

VII. Dialogue with national human rights institutions

28. For the first time, members of the inter-committee meeting met with representatives of national human rights institutions: Margaret Sekaggya, Chairperson of the Uganda Human Rights Commission, and José Luis Soberanes, President, and Salvador Campos Icardo, Executive Secretary, of the Human Rights Commission of Mexico. Mr. Kjaerum also spoke in his capacity as Chairperson of the Danish National Human Rights Commission and of the International Coordinating Committee of national human rights institutions.

29. The representatives welcomed the opportunity to engage with the treaty bodies and hoped that it marked the beginning of sustained cooperation. They spoke of their role in encouraging treaty ratification, harmonization of national legislation with international treaties, encouraging States parties to report, participating in consultations during the preparation of reports by States parties, submitting parallel reports (where appropriate), and ensuring effective follow-up to the treaty body recommendations. They also sought greater participation in the treaty body processes including direct participation in treaty body sessions.

30. Members of treaty bodies noted the historic nature of the inter-committee meeting's first encounter with national human rights institutions and echoed the call for more and deeper involvement by national human rights institutions in their work. They hoped to be able to develop modalities for enhanced cooperation. Certain treaty bodies had already interacted with national human rights institutions;

some had requested information from those institutions during the preparation of lists of issues, during the pre-sessional working groups, or in the plenary sessions. It was hoped that such practices would be adopted by all treaty bodies in a unified manner.

31. Members acknowledged that national human rights institutions had different mandates, geo-political environments and resources, and raised a number of issues that should be considered when discussing the interaction of treaty bodies with national human rights institutions. They included compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles); the need for national human rights institutions to maintain their independence and, as far as possible, not be part of government delegations to treaty body sessions (most members called for national institutions to make independent statements); and the need to be particularly attentive to economic, social and cultural rights. Committee members recognized the role that national human rights institutions could play in the inquiry procedure of treaty bodies, where such procedures existed. Accreditation of national human rights institutions was discussed and representatives of national human rights institutions indicated that strengthening of the Credentials Committee of the International Coordination Committee of national institutions would help address concerns regarding compliance with the Paris Principles.

32. The Chairperson of CEDAW invited the National Human Rights Commission of Mexico to interact with the Committee with regard to its inquiry into the situation of women in the State of Juarez. That was the first time that CEDAW had requested a national institution to engage directly with it in the context of its inquiry procedure, although it would discuss its relationship with national human rights institutions more generally at a future session.

VIII. Statement by the United Nations High Commissioner for Human Rights

33. The United Nations High Commissioner for Human Rights, Louise Arbour, informed the meeting about the Secretary-General's ideas on strengthening the human rights treaty body system, most recently put forward in his report, "In larger freedom" (A/59/2005 and Add.1-3) and the ideas set out in the OHCHR Plan of Action (A/59/2005/Add.3), which the Secretary-General had requested and which subsequently was incorporated into his report. The High Commissioner outlined the Secretary-General's proposal for a Human Rights Council, which would exercise universal scrutiny of the implementation by all Member States of their human rights obligations through a peer review mechanism which would not duplicate or replace the treaty body reporting system. She reaffirmed that both she and the Secretary-General considered the human rights treaty body system as the cornerstone of the United Nations human rights programme, and that the positive and successful nature of the reporting system stimulated the creation of constituencies to promote the implementation of human rights. The treaty body system also provided a sound foundation for country engagement, a central concept of the Plan of Action, and she underlined that she was committed to providing greater support to the treaty bodies so that their work could play an even more significant role in the process of human rights reform at the national level. Country engagement would also ensure that

treaty bodies received accurate and relevant information from the national level for their dialogue with States parties, allowing for the formulation of specific, locally-implementable concluding observations and the construction of strategic and sustainable partnerships with stakeholders at the national level.

34. The significant challenges facing the treaty body system included late and non-reporting by States parties, backlogs in the consideration of reports and/or individual communications by some treaty bodies, and the persisting gap between treaty body recommendations and their implementation at the national level. Action to address those issues had so far focused on coordinating working methods and streamlining reporting requirements, including through the expansion of the core document to include information on substantive rights congruent to all or several treaties. OHCHR had been providing assistance to Angola and Timor-Leste which had decided to pilot the guidelines, and other States would also soon begin using them. Streamlined reporting to all treaty bodies would inevitably strengthen the system, allowing all seven committees to function in a strong, unified manner, but it was not sufficient to address all of the challenges, given the prospect of universal ratification and the possibility of further normative instruments creating their own treaty bodies. She was therefore convinced of the need, in the long term, to consolidate the working of the treaty bodies through the creation of a unified, standing treaty body. She would develop proposals for consideration by an inter-governmental consultation to be convened in 2006 as a unified treaty body system would only be possible if all the committees were able to function in partnership, ensuring a holistic approach, jurisprudential coherence and increased visibility, she proposed that responsibility for servicing CEDAW be transferred from New York to OHCHR in Geneva. The High Commissioner underlined her intention to ensure that these proposals for a unified body would be developed in full consultation with the treaty bodies, States parties and other stakeholders and considered the role of the committee members to be pivotal in this enterprise. OHCHR would produce a concept paper early in 2006 which would take into account the current human and financial resource requirements of the present system of seven committees with a combined membership of 115 experts, which met for a total of 57 weeks each year. It would also take into account the backlog of reports and pending petitions and suggest modalities for a permanent, standing body that could meet in chambers, consisting of properly remunerated, qualified members, most likely elected by States parties.

IX. Points of agreement of the fourth inter-committee meeting to be transmitted to the seventeenth meeting of chairpersons

35. Participants at the fourth inter-committee meeting agreed to transmit the following points to the seventeenth meeting of chairpersons.

Mandate of the Chairperson

I. The fourth inter-committee meeting decided that the Chairperson of the current inter-committee meeting should report on the implementation of its recommendations at the beginning of the next inter-committee meeting, before the election of the Chairperson of that meeting.

The inter-committee meeting

II. The fourth inter-committee meeting agreed with the view expressed by many, including States parties, that the inter-committee meeting provides a useful forum for discussing matters of mutual concern and strengthening coordination between the treaty bodies, and recommended that the General Assembly consider the possibility of convening such meetings on an annual basis.

Draft harmonized reporting guidelines

III. With regard to the draft harmonized reporting guidelines, the inter-committee meeting recommended:

(a) That an analysis be undertaken by the Secretariat of the extent to which States parties comply with the existing reporting guidelines for each treaty in the preparation of their reports to the treaty bodies;

(b) That a technical working group be established, composed of a member designated by each committee, in order to finalize the draft guidelines for consideration and eventual adoption by each of the committees. The Secretariat was requested to arrange for the working group to convene as soon as possible after its establishment. The working group, in consultation with the Secretariat, should, inter alia:

- review the revised draft harmonized guidelines set forth in document HRI/MC/2005/3;
- consider an options paper prepared by the Secretariat on the substantive content of the common core document;
- discuss whether and, if so, to which extent congruent substantive provisions in the treaties should be included in the core document;
- consider the results of the analysis prepared by the Secretariat in accordance paragraph (a) above.

Coordinated approach to reporting by States parties

IV. The inter-committee meeting recommended that all States parties consider adopting a coordinated approach to reporting under all of the treaties to which they are party, and consider the option of establishing appropriate and stable coordinating institutions or mechanisms in order to support coherent, timely, sustained and thorough reporting.

Lists of issues

V. The inter-committee meeting reaffirmed its earlier recommendation that each committee should adopt the practice of producing a list of issues and questions. Such lists of issues could relate to both initial and periodic reports and should be submitted to States parties well in advance of the session at which the relevant State party's report is to be considered by the committee.

Reservations

VI. The inter-committee meeting recommended that a working group, composed of a member of each committee, be convened early in 2006 to consider an updated version of the report on reservations prepared by the Secretariat (HRI/MC/2005/5) and to report to the fifth inter-committee meeting. The inter-committee meeting also called on the Secretariat to update the report regularly.

Standardization of technical terminology

VII. The inter-committee meeting recommended that the question of standardization of terminology be considered by each committee during the course of the year and that the Secretariat prepare a paper, based on the comments received, containing revised proposals for consideration at the fifth inter-committee meeting.

NGO participation

VIII. The inter-committee meeting recommended that NGOs should send information well in advance of treaty body sessions to allow committee members the opportunity to take these important submissions into account.

IX. The inter-committee meeting recalled the recommendation of the sixteenth meeting of chairpersons regarding the modalities of NGO participation in the treaty bodies and recommended that the issue be placed on the agenda of the fifth inter-committee meeting.

Liaison with specialized agencies and United Nations funds and programmes

X. The inter-committee meeting reiterated its previous recommendation that each treaty body appoint a focal point to liaise with specialized agencies and other bodies of the United Nations system in order to facilitate more effective interaction on country-specific as well as thematic issues and follow-up.

XI. The inter-committee meeting recommended that the Secretariat explore the possibility of arranging a meeting with heads of United Nations specialized agencies, funds and programmes.

National human rights institutions

XII. The inter-committee meeting recommended that engagement with national human rights institutions should continue and requested the Secretariat to arrange for such institutions to attend future inter-committee meetings when appropriate items are on the agenda.

XIII. The inter-committee meeting requested that OHCHR should consider holding a round table of national human rights institutions and treaty body experts to discuss cooperation on matters of common concern.

XIV. The inter-committee meeting further recommended that the fifth inter-committee meeting consider developing harmonized criteria for the participation of national human rights institutions in treaty body sessions

in order to enhance the quality of information provided to the treaty bodies.

XV. The inter-committee meeting requested OHCHR to produce a comparative compilation of existing treaty body practice with regard to national institutions.

Ratification of the core international human rights treaties

XVI. The inter-committee meeting recommended that all treaty bodies actively promote ratification of the other core international human rights treaties, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in their constructive dialogue with States parties and in their concluding observations.

Follow-up to concluding observations

XVII. The inter-committee meeting recalled its earlier recommendation that each committee should continue to consider adopting procedures to ensure effective follow-up to its concluding observations/comments, including the appointment of a rapporteur on follow-up. It further recommended that follow-up could be conducted in open meetings.

Working methods

XVIII. The inter-committee meeting noted the report of the Secretariat on the working methods of the treaty bodies (HRI/MC/2005/4) and, in accordance with the recommendation of the third inter-committee meeting, requested the Secretariat to keep this document updated and to submit it to the fifth inter-committee meeting.

General comments

XIX. The inter-committee meeting agreed that treaty bodies could consider drafting joint general comments on issues of common concern.

Recommendations of the third inter-committee meeting

XX. The inter-committee meeting noted that certain matters raised in the recommendations of the third inter-committee meeting had not been considered during the meeting and recommended that these issues be included in the agenda of the fifth inter-committee meeting.